World Campaign for Human Rights

Human Rights Newsletter

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Commission on Human Rights Concludes Annual Session

Chairman Enrique Bernales Ballesteros (Peru), addressing participants to the forty-seventh session of the United Nations Commission on Human Rights. To the right is John Pace, Secretary of the Commission.

The forty-seventh session of the United Nations Commission on Human Rights was held from 28 January to 8 March 1991 at the Palais des Nations (United Nations), Geneva, Switzerland. The Commission, which is the main body of the United Nations dealing with human rights issues, heard 786 statements and adopted 82 resolutions and 10 decisions aimed at strengthening the observance of human rights and fundamental freedoms.

In contrast with the optimistic mood of the Commission's meeting in 1990, this session met in the shadow of the Gulf conflict and the Iraqi occupation of Kuwait. However, in his introductory statement, the Chairman, Enrique Bernales Ballesteros, called upon the 43-member Commission to give special attention to the violation of human rights worldwide, despite the international attention being focused on the Gulf region. Humanitarian logic must take precedence over political logic, he said.

Also speaking before the Commission during the opening session, the Under-Secretary-General for Human Rights, Jan Martenson, pointed out that the closing of the gap between international human rights norms and the actual conditions of life of far too many human beings was the principal challenge of the international community, in particular the Commission on Human Rights, in the coming years. The Commission's agenda, he said, was ideally suited to this task as it reflected in detail the broad range of human rights activities of the United Nations exemplified by the work of the Centre for Human Rights and the General Assembly's decision to convene a World Conference on Human Rights in 1993.

In addition to an address by the outgoing Chairperson, Purificacion Quisumbing, statements were also made by the Ministers of Foreign Affairs of Angola, Chile, Colombia, Guatemala, Haiti, Hungary, Luxembourg, Norway, Paraguay, Romania, Sweden and Uruguay. The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, the Chairman of the Ukranian Soviet Socialist Republic, a member of the Presidium of the Supreme Soviet of the Soviet Socialist Republic, the Vice Prime Minister of Zaire, the Vice Minister of Foreign Affairs of France, the Minister of Justice of Rwanda, the Minister in charge of Human Rights in Sudan, and the Minister for Planning in Kuwait, also spoke before the Commission.

MAJOR ISSUES

South Africa

One of the issues of major concern was the human rights situation in

South Africa. The Commission appealed to the international community to maintain all the measures designed to bring pressure to bear upon the Government in order to achieve the eradication *of apartheid* and the inhuman practices associated with this policy. It condemned the violations of civil, political, economic, social and cultural rights that are still going on under the system of apartheid. While it commended the positive changes that had taken place since 1990, it urged the Government of South Africa to repeal all discriminatory and repressive legislations under *apartheid* without delay and to proceed to negotiate in good faith with the representatives of the people for a democratic non-racial government. It also decided to renew the mandate of the *Ad Hoc* Working Group of Experts on Southern Africa for a further period of two years with a request to the Government of South Africa to permit the *Ad Hoc* Working Group to visit there.

Occupied Arab Territories

The Commission condemned the policies and practices of Israel which violated the human rights of the Palestinian people in the territory occupied by Israel with military force. It strongly condemned Israel for its continued occupation of the Palestinian territories, which constituted the main obstacle to exercise by the Palestinian people of their national rights. It called upon Israel to withdraw from the territories it had occupied since 1967, including Jerusalem. The Commission reaffirmed that the installation of Israeli civilians in the occupied territories was illegal and constituted a violation of the relevant provisions of the Fourth Geneva Convention.

Country-specific Situations

Under agenda item 12, which deals with the question of the violations of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, the Commission adopted a number of resolutions and decisions concerning the following countries:

● *AFGHANISTAN* The Commission urged all parties concerned to renew efforts to achieve a comprehensive political solution based on the free exercise of the right to self-determination by the people of Afghanistan through democratic procedures acceptable to the Afghan people. These include the cessation of hostilities, free and fair elections, and the creation of conditions that will permit the free return of refugees to their homeland in safety and honour, and the full enjoyment of human rights by all Afghans. It also decided to extend the mandate of the Special Rapporteur for one year and to request him to report to the General Assembly at its forty-sixth session and to the Commission on Human Rights at its forty-eighth session on the situation of human rights in Afghanistan.

● *ALBANIA* The Government was called upon to free all political prisoners and adopt, as soon as possible, legislative and administrative measures to meet the requirements under the International Bill of Human Rights and other relevant international instruments, by which freedom, democracy and the rule of law would be established and the human rights and fundamental freedoms of all Albanian citizens would be effectively promoted and protected.

● *CUBA* The Secretary-General was requested to appoint a special representative to maintain direct contacts with the Government and citizens of Cuba on the issues and questions contained in, and associated with, the report of the mission to Cuba. The Government was requested to continue to cooperate with the Secretary-General in carrying out the task entrusted to him, taking into account the international agreements to which Cuba is a party and the institutional procedures established in the field of human rights.

● *CYPRUS* The discussion of the situation of human rights in Cyprus was postponed to the Commission's forty-eighth session. Action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General to report to the Commission regarding their implementation.

● *EL SALVADOR* The Government and the Frente Farabundo Marti para la Liberación Nacional were urged to continue their dialogue and to make the greatest possible efforts to carry out the political agreements of Geneva and Caracas, taking particular account of the proposals of the Secretary-General, in order that a firm and lasting peace may be achieved in the shortest possible time. The mandate of the Special Representative was extended for a further year.

● *HAITI* A request was made to the Chairman of the Commission to appoint an independent expert to examine developments in the human rights situation in this country and to help devise measures capable of making the necessary improvements. The expert would report to the Commission at its next session. It was also decided to consider this report under the agenda item Advisory Services in the Field of Human Rights.

● *IRAQ* The Government was urged to cooperate with the Commission on Human Rights and, in particular, to help clarify the pending cases of enforced or involuntary disappearances noted in the report of the working group on that subject and to communicate to the Commission any new measures the Government might take in the field of human rights. It requested the Chairman of the Commission to appoint a special rapporteur whose mandate will be to make a thorough study of the violations of human rights by the Government of Iraq, based on all information the special rapporteur may deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Govenment of Iraq. An interim report would be submitted to the next session of the Commission.

● *IRAN* The Commission called upon the Government to comply with international instruments on human rights, in particular the International Covenant on Civil and Political Rights to which the Islamic Republic of Iran is a party and to ensure that all individuals within its territory and subject to its jurisdiction, including religious groups, enjoy the rights recognized in these instruments. The Secretary-General was invited to respond favourably to this country's request for technical assistance, in accordance with the normal practices of the Centre for Human Rights. The Commission requested the Special Representative to submit a report at its next session. At this time, it will consider the report with a view to discontinuing the mandate if there is further progress achieved in Iran

based on the report's recommendations.

● *KUWAIT UNDER IRAQI OCCUPATION* The Commission strongly condemned the Iraqi authorities and occupying forces for their grave violations of human rights against the Kuwaiti people and nationals of other States and in particular the acts of torture, arbitrary arrests, summary executions and disappearances in violation of the Charter of the United Nations, the International Covenants on Human Rights, and other relevant legal instruments. It decided to appoint a special rapporteur with a mandate to examine the human rights violations committed in occupied Kuweit by the invading and occupying forces of Iraq and to report as soon as possible to the General Assembly and the Commission at its next session.

● *ROMANIA* The Commission noted that, despite regrettable lapses, respect for human rights is in general continuing to improve. It recommended that the authorities continue their action to ensure that human rights in all their aspects are respected in their country, both de jure and de facto, and that particular attention is paid to the points raised in the report of the special rapporteur.

● *SOUTHERN LEBANON* The Commission condemned the continued Israeli violations of human rights in southern Lebanon, manifested particularly by the arbitrary detention of the civilian population, the destruction of their homes, the confiscation of their property, their expulsion from the occupied area, the bombardment of villages and civilian areas, and other practices violating human rights. It called upon Israel to put an immediate end to such practices and to implement the resolutions of the United Nations Security Council which require the immediate, total and unconditional withdrawal of Israel from all Lebanese territory and respect for the sovereignty, independence and territorial integrity of Lebanon.

Lituania/Latvia

The human rights situation in Lithuania and Latvia was addressed through a statement by the Chairman following an address made by a representative of the Union of Soviet Socialist Republics. Taking note of the unresolved problems in the field of human rights in Lithuania and Latvia, the Chairman welcomed the announced decision of the Government to conduct a thorough investigation of the recent events and tragic acts of violence involving violations of human rights and to bring justice to those responsible. He also noted the Government's readiness to communicate without delay to the Commission the results of this investigation.

Confidential Communications

At each Commission session, certain country-specific human rights situations are discussed in closed session. This procedure is used when there is allegedly a consistent pattern of grave human rights violations. The Commission in 1991 reviewed confidential communications regarding the human rights situations in Chad, Myanmar, Somalia, Sudan and Zaire. It was decided that it was no longer necessary to review the human rights situation in Zaire under this procedure.

Thematic Issues

Reports were submitted by special rapporteurs and the Working Group on Enforced or Involuntary Disappearances on such thematic issues as mercenaries, torture, summary or arbitrary executions, religious intolerance, sale of children, child prostitution and child pornography.

Other Resolutions, Decisions

One of the most welcome developments of this Commission session, according to the Chairman, was the resolution against arbitrary detention. For the first time, the United Nations would have the specific mechanisms for investigating violations connected with this phenomenon, he said. The resolution calls for the creation of a working group composed of five independent experts with the task of investigating cases of detention imposed arbitrarily or otherwise inconsistent with the international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned. The working group will seek and receive information from Governments and intergovernmental and non-governmental organizations and shall receive information from the individuals concerned, their families or their representatives.

The Commission requested the working group to present a comprehensive report to the Commission at its forty-eighth session.

Another development at this session was a resolution to establish an open-ended working group of the Commission to meet for a period of two weeks prior to the forty-eighth session to consider the draft declaration on the protection of all persons from enforced or involuntary disappearance, submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The Commission also reminded Governments of the need to ensure that their competent authorities conduct prompt and impartial enquiries when there was reason to believe that an enforced or involuntary disappearance had occured in a territory under their jurisdiction.

Under the item on detention of international civil servants and their families, the Commission requested the Secretary-General to take the necessary measures in order to ensure that all special rapporteurs and special representatives, independent experts, members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and members of working groups established by the Commission on Human Rights be considered as experts on mission and provided with the prescribed protection. In this regard, States were urged to comply with their obligations under the Convention on the Privileges and Immunities of the United Nations.

With particular relevance to the Sub-Commission, a resolution was adopted which would require the use of a secret ballot to strengthen the independence of the members who were called up to discuss cases of serious violations of human rights in certain countries that were brought before the Sub-Commission.

The Commission also endorsed the decision of the Sub-Commission to entrust two rapporteurs with the preparation of a study on The Right to a Fair Trial: Current Recognition and Measures Necessary for its Strengthening; and to entrust a special rapporteur to complete a study on human rights and the environment, with a view to making a timely contribution to the Prepara-

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tory Committee of the United Nations Conference on Environment and Development (Brazil 1992).

Concerning the rights of the child, the Commission decided to refer the draft programme of action for prevention of sale of children, child prostitution and child pornography to the Sub-Commission so that it might make the necessary amendments in the light of the opinions of States, specialized agencies and non-governmental organizations interested in the matter. It requested the Sub-Commission to give the highest priority to the reformulation of this programme of action so that it might be adopted at the Commission's next session.

With respect to the coordinating role of the Centre for Human Rights, the Commission expressed its support for the Secretary-General's efforts to enhance the role and importance of the Centre as a coordinating unit in the system of bodies dealing with the promotion and protection of human rights. It invited the Secretary-General to request Governments, the specialized agencies and intergovernmental and non-governmental organizations to express their views on the strengthening of the activities of the Centre, with special emphasis on new directions and forms, including increasing the representation of under-represented groups of States, notably the developing countries, in senior and policy-formulating posts.

During this session, a draft optional protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was submitted for adoption. The optional protocol would allow for the regular visits to penitentiaries by experts such as medical doctors and those familiar with prison systems. The Commission decided at this session to give States more time to study the draft optional protocol and to consider it at the next Commission session.

The Commission also adopted a draft body of principles for the protection of persons with mental illness and for the improvement of mental health care. It expressed its appreciation for the work achieved by the open-ended working group in the elaboration of these principles and requested that they be transmitted through the United Nations Economic and Social Council to the General Assembly for adoption.

World Public Information Campaign

Recognizing the catalytic effect of United Nations initiatives on national and regional pubic information activities in the field of human rights, Member States were urged to include in their educational curricula materials relevant to a comprehensive understanding of human rights issues. It encouraged all those responsible for training in law and its enforcement, the armed forces, medicine, diplomacy and other relevant fields to include appropriate human rights components in their programmes. The Centre for Human Rights was called upon to develop a human rights manual for higher education in cooperation with the United Nations Educational, Scientific and Cultural Organization and to that end, organize a meeting of experts in the course of 1991. The need to harmonize United Nations information activities with those of other organizations such as the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Refugees was also emphasized.

Advisory Services & Technical Cooperation

An appeal to all Governments was made at the session to consider making use of the possibility offered by the United Nations of organizing, under the programme of advisory services in the field of human rights, information and/or training courses at the national level for appropriate government personnel on the application of international human rights standards and the experience of relevant international organs. Governments were also encouraged to avail themselves of the advisory services of experts, for example, in the drafting of basic legal texts in conformity with international conventions on human rights.

Convinced of the important role that can be played by institutions at the national level in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms, the Commission welcomed the Secretary-General's decision to convene a workshop in 1991 on this topic. It also requested the Secretary-General to publicize the proceedings of that meeting and to make use of their results in the finalization of the manual on national institutions under preparation by the Centre for Human Rights.

The Commission called upon all Governments, intergovernmental and non-governmental organizations and individuals to consider making voluntary contributions for the implementation of projects within the programme of the Voluntary Fund which serves to build up and strengthen national and regional institutions and infrastructures. Such institutions, it is hoped, will have a long-term impact on improved implementation of international conventions and other international instruments on human rights promulgated by the United Nations, the specialized agencies or regional organizations.

Advisory services in Guatemala and Equatorial Guinea were also addressed.

The Secretary-General was requested to extend the mandate of the independent expert in Guatemala so that he may continue to examine the human rights situation there and provide assistance to the Government in the field of human rights.

The Government of Equatorial Guinea was urged, in accordance with the recommendation of the expert, to establish as soon as possible the Commission to monitor implementation of the Plan of Action proposed by the United Nations and accepted by that Government, and to adopt other measures suggested for the purpose of promoting and protecting human rights. It also recommended that the Government avail itself of the advisory services in preparing the initial reports on the human rights situation in that country.

World Conference on Human Rights

With regard to the World Conference on Human Rights planned for 1993, the Commission recommended that the Secretary-General convene the first meeting of the Preparatory Committee in Geneva, Switzerland from 9 to 13 September 1991. It also requested the Secretary-General to arrange for informal consultations among all Member States of the United Nations one working day before the first meeting of the Preparatory Committee in order to prepare for the election of the five officers of the Committee with due regard for equitable geographical

representation. In addition, the Secretary-General was asked to invite contributions of extra-budgetary resources to meet such items as the costs of participation by representatives of the least developed countries in the preparatory meetings and the conference itself.

The Under-Secretary-General for Human Rights was appointed by the UN Secretary General as Secretary General for the World Conference.

For further information, see: Commission on Human Rights Report of the Forty-seventh Session, E/CN.4/1991/91.

Contribution Appeal for Voluntary Fund

The Board of Trustees of the United Nations Fund for Indigenous Populations is appealing for greater financial contributions to help meet the large number of requests from representatives of indigenous organizations wishing to participate in the upcoming session of the Working Group on Indigenous Populations. The Working Group, a subsidiary body of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, is scheduled meet from 22 July to 2 August 1991. The Group has a twofold purpose: to review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples and to evolve international standards concerning indigenous rights.

At present, the working group is actively involved in preparing a draft Universal Declaration on the Rights of Indigenous Peoples, planning for the 1993 International Year for the World's Indigenous Peoples, and assisting a special rapporteur of the Sub-Commission on a study of treaties, agreements and other constructive arrangements between States and indigenous populations.

Provisional Agenda of the Forty-Third Session of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities

The 26-member Sub-Commission on Prevention of Discrimination and Protection of Minorities, a subsidiary body of the United Nations Commission on Human Rights, will hold its forty-third session at the Palais des Nations, Geneva, Switzerland, from 5 to 30 August 1991.

Three working groups will meet prior to the session on the following dates:

22 July to 2 August: Working Group on Communications;

22 July to 2 August (tentative): Working Group on Indigenous Populations;

29 July to 2 August: Working Group on Contempory Forms of Slavery.

Three sessional working groups will also meet to: (a) assist the Sub-Commission with its annual review of developments concerning the human rights of persons subjected to any form of detention or imprisonment; (b) prepare an overview and an analysis of the suggestions and proposals which have been made in order to enable the Sub-Commission to better discharge its responsibilities in dealing with violations of human rights, and to examine ways and means of avoiding a proliferation of studies as well as draft resolutions or decisions on issues already being dealt with by the Commission on Human Rights; and (c) continue work on the preparation of a revised version of the draft Declaration on Freedom and Non-Discrimination in Respect of Everyone to Leave Any Country, Including His Own, and to Return to His Country.

MAJOR ISSUES

Major issues to be addressed during the forty-third session will include:

- Elimination of racial discrimination;
- Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of *apartheid*, in all countries, with particular reference to colonial and other dependent countries and territories;
- The realization of economic, social and cultural rights;
- Communications concerning human rights: report of the Working Group;
- The administration of justice and the human rights of detainees;
- Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers;
- Human rights and disability;
- Elimination of all forms of intolerance and of discrimination based on religion or belief;
- International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;
- Discrimination against indigenous peoples;
- Contemporary forms of slavery;
- Promotion, protection and restoration of human rights at national, regional and internatinal levels;
- Protection of minorities;
- The right of everyone to leave any country, including his own, and to return to his country.

For further information, contact: Legislation and Prevention of Discrimination Branch, Centre for Human Rights.

tive arrangements between States and indigenous peoples.

To date, some 86 representatives of indigenous organizations and communities from 27 countries in Africa, the Americas, Asia, Australia and the Pacific have attended the annual meetings of the Working Group. However, of the approximately 100 applications received each year, only 20 to 30 persons can be accommodated by the Voluntary Fund at its present level of contributions.

For further information, contact: Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations, Centre for Human Rights.

Interview with Enrique Bernales Ballesteros

Chairman of the forty-seventh session of the United Nations Commission on Human Rights, Special Rapporteur of the Commission on the Question of Mercenaries, and Senator of the Republic of Peru.

Q: On the basis of your experience this year as Chairman of the United Nations Commission on Human Rights, and your past experience in this sphere as a Latin American, how do you view the human rights situation in Latin America and Central America in the coming year?

E. Bernales Ballesteros: I think a distinction has to be made between two aspects, the first being the general. In this respect, it is true to say that a democratic revolution is taking place throughout the world. At no time during this century has the movement of the world's peoples towards democracy been so sweeping or successful. To take the case of Latin America, it is only in the past few years of this entire century that democracy has achieved the greatest level of respect for electoral processes, universal suffrage, the observance of constitutions, etc. In other words, from this standpoint, there is no denying that we are both experiencing and participating in the democratization of social and political relations–a process which clearly improves conditions for the observance of human rights. Yet this does not mean that we have achieved the optimum conditions where democracy implies respect for human rights. This remains the goal, but it has not yet been attained. Progress towards that goal must continue, the first achievement having been the retreat of authoritarian power structures and rigid and dogmatic ideolgies and the emergence of that leading agent in the conquest of political democracy– the people. What remains to be done is to make sure that the constituent elements of democracy are justice and respect for the individual. This is what I would describe as a general comment that applies to any continent. Turning now to the specific aspect, it is clear that there are many regions and countries in which, unfortunately, the situation both as regards civil and political rights as well as economic and social ones still affects the condition of the population. Excessive optimism is one thing, and pessimism another. Both should be avoided. As far as specific situations and national cases are concerned, it must be said that much remains to be done and, moreover, that there is not a single continent on which human rights are not being violated. Specific situations exist everywhere.

Q: Taking a specific example, do you believe that there is any difference between Central America and Latin America as far as human rights are concerned?

E. Bernales Ballesteros: In this respect it is impossible to avoid establishing a relationship between the nature of historical processes and their results. Central America consists of a number of small countries that have suffered most direct forms of interventionism. As a result, in comparison with other countries, such as Mexico to the north and the countries of South America, Central America has been a more backward region historically, and for that very reason has been more deeply affected in terms of certain human rights situations. The one exception has perhaps been Costa Rica, on account of specific circumstances that cannot be analysed in the course of this inteview. However, on the whole, Central America is certainly a part of our continent that has been deeply marked and conditioned by dependence, by violence and by dictatorships, and this has given rise to circumstances that bode ill for the observance of human rights, but which, I hope, will improve as peace comes to Central America. In recent years, a notable effort has been made since Esquipulas II*, throughout Central America to harmonize attitudes, strengthen democratic régimes and improve relations between society and the State. The results of these changes will not be apparent from one day to the next. We have to look to the medium term, but above all, we must make sure that conditions during the medium term are such that tangible results can be achieved. In this respect, the international community bears a very heavy responsibility.

Q: Many reports prepared by States that are members of UN bodies responsible for the evaluation and application of human rights treaties, as well as reports drawn up by special rapporteurs, other representatives and independent experts, have referred to the problem of violence, as well as of the ensuing serious loss of respect for human rights throughout the world. If there is indeed such a relationship between violence and human rights violations, do you see any possibility of devising a new way of setting up working groups to determine whether this negative relationship–namely, between violence and human rights violations–actually exists? How could United Nations machinery be transformed in order to tackle this issue in an appropriate manner?

E. Bernales Ballesteros: I can immediately think of a quick, direct but perhaps rather pathetic reply, although the truth is that the world's financial resources need to be better channelled. Less should be spent on weapons and more on development. When a more balanced relationship has been achieved in that respect, United Nations human rights bodies will clearly have the necessary funds for complete and up-to-date processing systems, and for teams of experts and officials from all over the world to carry out field research prior to the field work. I am a United Nations rapporteur myself, and in that role I have noticed that many of my reports, as well as other reports, lack the support of basic research. We have to grasp the facts and describe them, but the crucial basic research is lacking. Some countries, such as my own, Peru, have lawyers, sociologists, economists and historians capable of

* *Central American Peace Accord signed in 1987 by the Central American Presidents.*

doing basic research so that a UN special rapporteur would be able to draw on these bibliographic sources. In other countries, however, these are totally lacking. Consequently, we require an adequately funded system. Why is there no money in the world for human rights when it is available for making war? The United Nations is frequently accused of not being efficient enough to defend human rights. The Centre for Human Rights' budget is the smallest in the entire United Nations system. So there should be three phases: the first phase would require support for basic research prior to the rapporteur's field visit, the second phase would include local field research that would have to be coordinated by a special rapporteur, a local person, or by teams of experts working with local people, and the third phase, once the previous two phases have been met, would be the improved interrelationship between the commissions, the committees and the work of the special rapporteurs.

Q: Is the work that has been and is being done by the special rapporteurs likely, in your opinion, to prove useful to the work of the committees as a basis for reference?

E. Bernales Ballesteros: I think there is room for considerable improvement here, and not only with regard to the relationship between the rapporteur and the Centre, for I believe that the rapporteurs should exchange experience with one another. As a rapporteur myself, I know the other rapporteurs by sight, but I have never had the opportunity to exchange and share experience with them. I think that these exchanges of experience would enhance our work and enable us to ascertain whether our procedures are appropriate, whether another type of specialist is required, and how to improve the relationshop as far as the collection and processing of information is concerned. All this is extremely useful, but unfortunately the report submitted by the rapporteur is a final product. It does not reveal the ups and downs that marked its preparation.

Q: As you are aware, the Centre's advisory services and technical cooperation sector has expanded considerably since 1987. It is currently pursuing several projects throughout the world, and in particular developing many others at the request of an even larger and continually increasing number of Governments. In your view, how might the advisory services and technical cooperation section better assist Governments to comply more fully with their reporting obligations to the Commission and respond more adequately to the communications they receive from the special rapporteurs, special representatives and independent experts?

E. Bernales Ballesteros: These services are extremely useful and I think that their reinforcement has been a positive development, and I would strengthen them even further. In other words, I would extend their scope and offer them possibilities of mobilizing resources or generating greater resources. This in turn would enable them to strengthen their basic resources and to develop projects. The value of advisory services depends to a great extent on their ability to translate the information they have obtained on shortcomings in the human rights field into projects capable of offering useful services. Provided they are reinforced as a core activity, it is my impression that advisory services will acquire a measure of effectiveness and importance and represent a major contribution by the United Nations. Just imagine the potential value of providing advisory and consultancy services as a contribution to the training of judges, lawyers, and in respect of all aspects of the administration of justice in general, although there are also fields that have not been touched upon...

Q: Such as?

E. Bernales Ballesteros: Military and police academies.

Q: Do you believe that this effort on the part of the UN to train national personnel is capable of effectively helping the Governments concerned to better comply with their international commitments?

E. Bernales Ballesteros: Certainly. I am absolutely convinced of that, provided the courses are not merely seminars attended by four or five experts for a week, but are directed at sectors that are closely connected to society and whose relationship has a direct bearing on the conduct of public officials towards the population, towards individuals. It is extremely important to develop awareness of the need to respect human rights among police or military personnel in the course of their military or police training. These courses are very important as a means of promoting social science education and developing inner awareness and the realization that one's rights as an individual are better protected, or are never better protected than when one respects the rights of others.

Q: What are your recommendations for the close of this millenium as far as human rights are concerned?

E. Bernales Ballesteros: I should like to see an end to *apartheid* in South Africa, a withdrawal from the occupied Arab territories and their return to their rightful owners, and an end to disappearances, torture, extrajudicial powers and arbitrary detentions. That would certainly be an ideal world, would it not? Such are the objectives towards which we have to work.

New Stamps Promoting Human Rights

It is thought that more children will be born during the 1990s than in any previous decade in history. They will come into a world that is increasingly endangered as a result of environmental degradation, with growing risks of exposure to environment-related hazards to their health.

According to a report entitled Children and the Environment, issued jointly by the United Nations Environment Programme and UNICEF, 14 million children under the age of five die every year in developing nations as a result of a number of environmental hazards, such as pollution, or problems related to the environment, like malnutrition and diseases including diarrhoea and measles. Lack of safe drinking water and sanitary facilities is a major cause of diarrhoea, the biggest single killer of children and another three million are seriously disabled by these causes.

Better management of the environment, along with specific health measures, can save 10 million of the 14 million children at risk. The report says that this is an achievable goal if the political will is marshalled, since the technology to prevent these deaths is largely in place.

STAMPS FOR A BETTER ENVIRONMENT

To remind us of our fragile ecosystem, the need to safeguard the future of our children and their right to a safe and healthy environment, and of the United Nation's effort in this field, the United Nations Postal Administration has issued a set of three stamps on the theme, ECE–For a Better Environment.

The stamps, available as of 15 March 1991, are designed by Carlos Ochagavia (Argentina) and depict

lush scenes of flora and fauna, varying in colour and hue.

Since its founding in 1947, concern for the environment has been a guiding principle in all areas of the Economic Commission for Europe's (ECE) work. It has established programmes to fight air pollution and served as a consultative body supplying advice to Governments on the fundamental role of water in the environment.

CHILD RIGHTS STAMPS

Also available from the United Nations Postal Administration as of

14 June 1991 will be a series of six stamps commemorating the rights of the child. Drawings appearing on the stamps were selected following a joint initiative between students attending the international schools of New York, Geneva and Vienna.

For further information, contact: UN Postal Administration, Palais des Nations, 1211 Geneva 10, Switzerland or United Nations offices in Vienna, Austria or New York, NY, USA.

Child Rights Committee Established

A ten-member Committee to monitor compliance by States parties to the United Nations Convention on the Rights of the Child was elected during meetings held in New York on 27 February 1991. The members, acting in their personal capacity, include: Akila Belembaogo (Burkina Faso), Thomas Hammarberg (Sweden), Swithun Mombeshora (Zimbabwe), Luis A. Bambarén Gastelumende (Peru), Flora Corpuz-Eufemio (Philippines), Youri Kolosov (USSR), Hoda Badran (Egypt), Maria de Fátima Borges de Omena (Brazil), Martha Santos Pais (Portugal), and Sandra Mason (Barbados).

The first meeting is tentatively planned for mid-September 1991 in Geneva, Switzerland, at which time the Committee will adopt the rules of procedure and guidelines for the preparation of reports by States parties to the Convention.

For further information, contact: International Instruments Section, Centre for Human Rights.

Committee on Racial Discrimination

The United Nations Committee on the Elimination of Racial Discrimination held its thirty-ninth session from 4 to 22 March 1991 at the Palais des Nations (United Nations), Geneva, Switzerland. The Committee monitors the compliance of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination. To date, 128 Governments have undertaken to respect the obligations set down in the Convention.

States parties to the Convention agree to condemn and seek to eliminate racial discrimination in their territories and to review their policies in order to amend or nullify any regulations which create or perpetuate such discrimination, and to prohibit organizations and activities which promote or incite racial discrimination. They also agree to provide remedies for victims of racial discrimination and to adopt measures to combat prejudice and promote understanding among different national, racial and ethnic groups.

Under the Convention, States are requested to submit reports on how they are complying with the Convention's provisions. During this session, reports were examined from: Argentina, Barbados, Burundi, Canada, Cuba, Malta, Portugal, Sweden, Ukrainian SSR, United Kingdom and Uruguay.

At the time of the meeting, 278 reports from 114 States parties were overdue and had not yet been received. The Committee called upon the Secretary-General to bring to the attention of the States parties, the unfortunate consequences of delays in the submission of reports, and to encourage the States parties to consider ways and means by which all parties might be brought to fulfil their reporting obligations.

Concrete measures were taken with regard to the issues of improving coordination and interaction with other human rights treaty bodies and with the Sub-Commission on Prevention of Discrimination and Protection of Minorities. In August, the Committee will meet with the Sub-Commission to discuss, among other issues, the coordination of activities relating to the phenomenon of racial discrimination in the world.

The next session of the Committee will be held from 5 to 23 August 1991. At this time concrete measures for the implementation of a Third United Nations Decade to Combat Racism and Racial Discrimination will be discussed.

For further information, contact: International Instruments Section, Centre for Human Rights.

Human Rights Meetings and Recent Developments

WORLD CONGRESS ON HUMAN RIGHTS (10 to 15 December 1990)–A World Congress on Human Rights was organized by the Centre for Promotion of Human Rights Teaching and Research of the Jawaharlal Nehru University, in New Delhi, India. It was co-sponsored by the Centre for Human Rights. The Under-Secretary-General for Human Rights addressed the opening session.

Some 200 representatives from nearly 60 countries participated. United Nations organizations specifically concerned with human rights questions were also invited to attend.

During the meeting, ten working sessions dealt with issues such as the rights of refugees and stateless persons; women and minorities; economic, social and cultural rights; civil and political rights; protection of the rights of vulnerable sections of society; human rights teaching and research; ethnic, social and religious conflict; and mechanisms for the protection and promotion of human rights.

The World Congress decided to transmit, through the Centre for Human Rights, its recommendations and resolutions to the preparatory committee of the United Nations World Conference on Human Rights, scheduled to be held in 1993.

For further information, contact: Advisory Services and Technical Assistance Section, Centre for Human Rights.

INDONESIAN WORKSHOP ON HUMAN RIGHTS (21 to 22 January 1991)–A national workshop

Protecting children: at war, at work, on the streets *

Year 2000 goal: Observance of the Convention on the Rights of the Child, and protection for children in especially difficult circumstances.

In November 1989, the UN General Assembly adopted the Convention on the Rights of the Child (the full text of the Convention is published as an annexe to this report).

In addition to setting standards for children's survival, health and education, the Convention seeks to protect the millions of children who are exploited, abandoned or abused, wherever they may be. It is as concerned about the 2 million reported cases of child abuse in the United States each year (up threefold in ten years, as it is about the steep rise in Latin America's street children.

Of special concern are the children who are caught up in wars.

Children at war

Before 1945, most victims of war were soldiers. In the 150 wars since then, 80% of the 20 million dead and 60 million wounded have been civilians, most of them women and children.

Unknown numbers of children have been killed, wounded, abandoned, orphaned or taken as hostages. Millions will never see their families again. And an estimated 7 million children, mostly in Africa, are now growing up in refugee camps, often deprived of identity and nationality as well as adequate food, health care and education. Perhaps as many again are refugees in all but name, displaced from their homes without crossing a national boundary. Many of these children will find it impossible to grow up normally, to acquire skills and to find a job and a place in society.

Even larger numbers are indirect victims of war, their development disrupted by the closing of schools and clinics and the destruction of crops and roads.

Children are also being used to fight wars. In recent years, an estimated 200,000 under-fifteens have been recruited into armed forces, made to kill and to die and even to open the way across minefields at the cost of their lives and limbs.

The Convention seeks to outlaw the use of children in war and to promote the idea of children as a 'zone of peace' in order to protect the child's one chance to grow normally in mind and body. A beginning has been made. 'Corridors of peace' allowed essential supplies to reach the civilian victims of war in the Sudan. And in El Salvador, 'days of tranquillity' have interrupted civil war on 15 separate occasions so that children could be immunized.

Children at work ... and on the streets

An estimated 80 million children between the ages of 10 and 14 undertake work which is either so long or so onerous that it interferes with their normal development. Some are exploited in factories and sweatshops, but the majority work in agriculture or in domestic service. Many children are born or sold into the virtual slavery of bonded labour.

Overlapping this problem, an estimated 30 million children live on city streets, children who have run away or been abandoned or orphaned. Most of those children are deprived of health care and education and almost all are faced with the difficult choice of either resisting or falling in with the violence, crime, prostitution and drug abuse which are facts of street life from Lima and Rio to Bombay, Lagos and New York.

What can the Convention - a piece of paper - do against this cruel weight of real-world problems? Like other such documents in human history, it articulates a universally accepted ideal which, with sustained pressure from politicians, press and public, can eventually become the standard below which any nation, rich or poor, will be ashamed to fall.

* Reprinted from the United Nations Children's Fund - State of the World's Children 1991.

on human rights was organized by the Ministry of Foreign Affairs in Djakarta, Indonesia in cooperation with the Centre for Human Rights.

Some 100 persons attended including high level officials from the Ministry of Defense and Security, the Ministry of Home Affairs, the Ministry of Justice, the Attorney General's Office, the Armed Forces Strategic Intelligence Agency, the National Intelligence Coordinating Agency, the National Police, and the State Secretariat. Members of Parliament, representatives of non-governmental organizations, religous councils, university professors and journalists also participated.

Statements were presented by Purificacion Quisumbing, Chairperson of the forty-sixth session of the United Nations Commission on Human Rights, who spoke on the Asian perception of human rights. A representative from the Centre for Human Rights also addressed the participants on the development of human rights issues in the United Nations system and the international monitoring and implementation procedures in the field of human rights.

It was decided that an interagency working group would be set up with a view to establishing a national institution for human rights and to strengthening human rights information/education activities. Subsequently, an interagency permanent committee of human rights has been created which will include representatives from different Government agencies and departments as well as the members of important national non-governmental organizations. Three working groups will deal with the question of Indonesian accession to international human rights instruments; national policies on human rights and participation in international human rights conferences; and the establishment of a national commission on human rights.

For further information, contact: Hassan Wirajuda, Counsellor, Indonesian Mission to the United Nations, rue St-Jean 16, 1203 Geneva, Switzerland.

CONSTITUTIONAL REFORM IN BULGARIA (21 to 23 January 1991) A three-day conference on Human Rights in Constitutional and Statutory Development in Bulgaria was organized by the International Human Rights Law Group of Bulgaria and the Bulgarian Grand National Assembly in cooperation with the Centre for Human Rights, in Sophia, Bulgaria. Officials from the Ministries of Justice and Foreign Affairs, independent human rights activists, and law faculty and students from the Univesity of Sofia attended.

Following the plenary session, five working groups dealt with the elements of constitutionalism, government structures (legislature, executive, independent judiciary, and separation of powers); special considerations (i.e. fundamental rights, fair legal process, property rights, access to government information); and establishing an integrated framework of organic laws to implement constitutional structures and guarantees.

For further information, contact: Advisory Services and Technical Assistance Section, Centre for Human Rights, or Amy Young, Executive Director, Human Rights Law Group, 1601 Connecticut Avenue, N.W., Suite 700, Washington, D.C. 20009, USA.

HUMAN RIGHTS WORKSHOP IN NAMIBIA (18 to 23 February 1991) A human rights workshop was jointly sponsored by the Ministry of Justice of Namibia, the Swedish International Development Authority, the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, and the Centre for Human Rights, in Windhoek and Swakopmund, Namibia.

Both the Prime Minister and the Minister of Home Affairs addressed the meeting, which was also attended by the Minister of Foreign Affairs, the Minister of Justice, the Deputy Minister of Justice, the Attorney General, the Chief Justice, the Speaker of Parliament, the Ombudsman, and some 45 Namibian officials from government ministries, Parliament, the courts, the prison administration, legal aid services, the police, the defence forces, municipal authorities, and representatives of non-governmental organizations.

The workshop focused on the concept of human rights, international standards and procedures in the human rights field including technical assistance and advisory services activities, refugee law, humanitarian law, the regional conventions and their implementation mechanisms, the role of practising lawyers, and the Namibian Constitution and relevant legislation. A number of case studies were undertaken and possible solutions examined in light of international, regional and national standards.

A report with summaries of all lectures and discussion sessions will be published in April.

For further information, contact: The Raoul Wallenberg Institute, Department of Law, University of Lund, P.O. Box 1165, S-221 05, Lund, Sweden.

SEMINAR FOR SMALL COMMONWEALTH COUNTRIES (4 to 14 March 1991) A seminar on the promotion and protection of international human rights was organized for officials from 18 Commonwealth States of the Carribbean, Africa and the Pacific. With the participation of the Centre for Human Rights, the seminar was sponsored by the Foreign and Commonwealth Office and organized by the Human Rights Centre of the University of Essex, United Kingdom.

Discussions centred on such issues as: human rights, emergencies and internal conflict; refugees; human rights and sustainable development; torture and ill-treatment; international human rights at the national level; the role of the U.N. Commission on Human Rights and its Sub-Commission in protecting and promoting human rights; the Convention on the Rights of the Child; implementing the International Covenant on Economic, Social and Cultural Rights, and the Centre for Human Rights technical cooperation in the field of human rights including national programmes of promotion, education, training and information.

A number of recommendations were made at the end of the seminar. With particular reference to advisory services and technical cooperation, participants encouraged Small States to take full advantage of this United Nations programme. It suggested that Small States should also consider combining the programme with other technical cooperation schemes provided by the Commonwealth and other international, regional and non-governmental organizations, including bi-lateral schemes. In doing so, for example, law faculties may be strengthened, courses for administrators of justice organized, expert advice for drafting laws may be provided, and human rights reference

libraries may be established or improved.

For further information, contact: Prof. Kevin Boyle, Director, Human Rights Centre, Dept. of Law, University of Essex, Wivenhoe Park, Colchester, CO4 3SQ, United Kingdom.

PRELIMINARY MISSION TO EL SALVADOR (13 to 22 March 1991) A preliminary mission to assess the prevailing conditions in El Salvador was carried out. The mission, headed by a representative from the Office of the United Nations Secretary-General, met with members of the Government, the armed forces, political parties, religious institutions and non-governmental organizations. It will now present recommendations to the Secretary-General concerning the establishment of an unprecedented on-site United Nations verification mission to verify the Agreement on Human Rights signed in San José, Costa Rica on 26 July 1990, between the Government and the Frente Farabundo Marti para la Liberacion Nacional (FMLN).

The agreement on human rights was the first substantive achievement of the negotiating process in two rounds of negotiations held in Mexico and Costa Rica in June and July 1990.

The purpose of the mission, which is to last for one year, will be to investigate the human rights situation in El Salvador as regards acts committed or situations existing as from the date of its establishment. It may take any steps it deems appropriate to promote and defend such rights. Accordingly, it will perform its functions with a view to promoting respect for human rights and their guarantees in El Salvador and help to do away with those situations in which such respect and guarantees are not duly observed.

TRAINING COURSE FOR AFRICAN COUNTRIES (11 to 15 March 1991) A training course on the implementation of international human rights instruments and on the administration of justice for officials from francophone African countries was held in San Remo, Italy. It was organized by the Centre for Human Rights in cooperation with the International Institute of Humanitarian Law of San Remo, and with the support of the Government of Italy.

High-level officials from 18 countries attended the course which, in eight working sessions, dealt with such issues as: The African Charter on Human and Peoples' Rights–the Work of its Commission; the work of the UN Committee on the Elimination of Racial Discrimination and the work of the UN Committee against Torture; Human Rights in administration of justice–the functioning of criminal justice; the role of the police in the protection of human rights; basic principles with regard to the preparation and presentation of reports–The example of the UN Human Rights Committee; protection of individuals subject to detention or imprisonment; and international human rights standards and regional and national institutions.

For further information, contact: Advisory Services and Technical Assistance Section, Centre for Human Rights.

SEMINAR ON TRADITIONAL PRACTICES (29 April to 3 May 1991) A seminar on Traditional Practices Affecting the Health of Women and Children, organized by the Centre for Human Rights, will be held in Ouagadougou, Burkina Faso.

The objective of the seminar will be to assess the human rights implications of certain customs such as female circumcision and its consequences for the health of women and girl children; the preference for the male child; traditional delivery practices which present risks to safe motherhood; and cultural, religious, social and economic factors contributing to the persistence of these practices. It is also aimed at gathering information on measures so far undertaken both at governmental and non-governmental levels to combat and eliminate such harmful traditional practices.

Participants will be invited from 25 countries where such practices exist, including high-ranking government officials familiar with such problems, representatives from United Nations specialized agencies and intergovernmental organizations, particularly the Organization of African Unity, the United Nations Committee on the Elimination of Discrimination against Women, and the Inter-African Committee on Traditional Practices. Non-governmental organizations (NGOs) whose interests may be related to the topics will also be invited to send observers.

BACKGROUND

The question of female circumcision was first taken up in 1981 by the Working Group on Slavery of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, based on information received from an NGO. Since that time, studies have been conducted by a working group composed of experts designated by the Sub-Commission, which in turn has submitted a number of suggestions and recommendations to suppress such practices. As of 1988, a special rapporteur has been preparing a report for the Sub-Commission based on field missions and information gathered from Governments, UN agencies, economic and social commissions, NGOs and concerned bodies currently working in the field.

For further information, contact: Advisory Services and Technical Assistance Section, Centre for Human Rights.

JOINT NORDIC HUMAN RIGHTS SEMINAR (6 to 10 June 1991) A joint Nordic human rights seminar, organized in cooperation with the Centre for Human Rights, will be held in Laugarvatn, Iceland. It will include the Seventh Nordic Human Rights Seminar, the Eighth Nordic Refugee Law Seminar, and the Fifth Seminar on the Small Nations of the North in Constitutional and International Law.

Over the five-day period, participants will address such topics as: refugees and small nations from a human rights perspective, with emphasis on root causes and discrimination; minority rights–regional and global activities; human rights in Iceland; refugee integration and the rights of returnees; internally displaced persons; technical assistance in the fields of human rights and refugee law; development assistance and integration of human rights concerns, including those of ethnic groups; and the relationship between development processes and root causes.

PREPARATORY MEETING

The first academic preparatory meeting for the 1993 World Conference on Human Rights will be held on 10 June. Representatives from the Centre for Human Rights and the Nordic Human Rights Institute will attend.

For further information, contact: Gudrun Gauksdottir, Preparatory Committee of the Nordic Seminar, Borgardomaraembaettinu, Tungata 12, 101 Reykjavik, Iceland.

Events 1991

18 April United Nations inter-agency meeting on advisory services and technical assistance and information. Venue: Geneva, Switzerland.

19 April Second United Nations inter-agency consultation on the Second Decade to Combat Racism and Racial Discrimination. Venue: Geneva, Switzerland.

22-26 April Board of Trustees meeting of the United Nations Voluntary Fund on Indigenous Populations. Venue: Geneva, Switzerland.

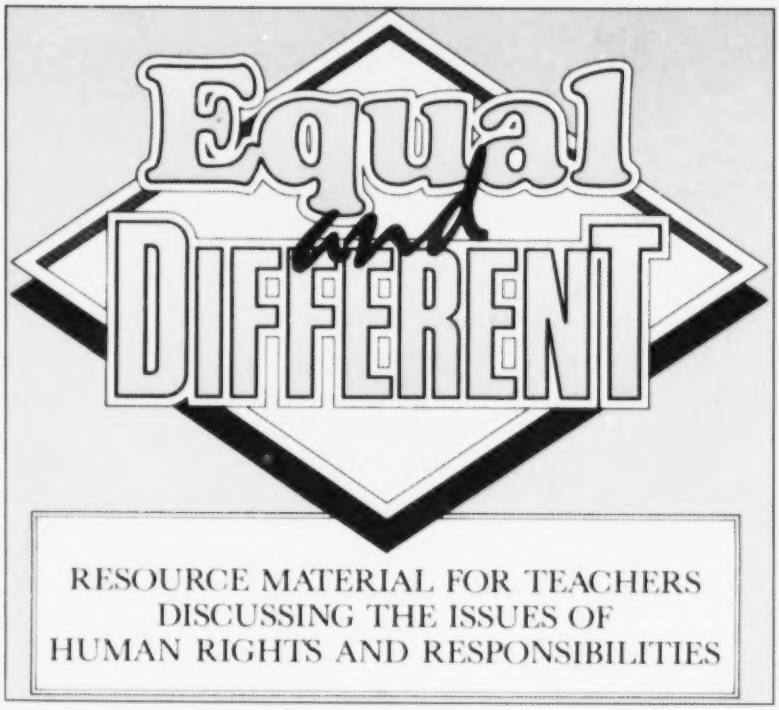
22 April-3 May Sixth session of the United Nations Committee against Torture. Venue: Geneva, Switzerland. Further information from: International Instruments Section, Centre for Human Rights.

29 April-3 May Tenth session of the United Nations Voluntary Fund for Victims of Torture. Venue: Geneva, Switzerland.

10-14 June National training course on the application of United Nations human rights mechanisms and procedures. Venue: Caracas, Venezuela. Organized by the United Nations Centre for Human Rights and the Venezuelan Ministry of External Relations. Further information from: Advisory Services and Technical Assistance Section, Centre for Human Rights.

17-19 June National Training Course on the Application of United Nations Machinery in the Field of Human Rights. Venue: Brastha, Brasil. Organized by the United Nations Centre for Human Rights and the Brasilian Ministry of Foreign Affairs. Further information from: Advisory Services and Technical Assistance Section, Centre for Human Rights.

8-12 July Regional African Workshop on International Human Rights Standards and the Administration of Justice scheduled to be held in Cairo, Egypt, and organized by the UN Centre for Human Rights in co-operation with the OAU Commission for Human and People's Rights and the support of the Egyptian Government. For further information: Advisory Services and Technical Assistance Section, Centre for Human Rights.



An educational resource kit for teachers designed for use in primary and secondary schools has been been prepared by the Human Rights Commission and the Department of Education of New Zealand.

Entitled *Equal and Different: Discussing the Issues of Human Rights and Responsibilities*, the kit includes a wide variety of full-colour, easy-to-understand materials such as short stories, transparencies, news clippings, poems, case studies, student resource lists and teaching booklets. The materials have been developed to assist teachers and their classes explore human rights issues by: examining rights and responsibilities in the classroom, the playground and the school; offering ideas for the integration of human rights issues into other areas of the curriculum; and offering guidance to teachers in formulating strategies and discussions which centre around rights and responsibilities.

Although prepared with the specific needs of New Zealand's schools in mind, the information, offering basic inspiration for classroom discussion and activities for promoting the respect for human rights, may easily be applied elsewhere as a model for local adaptation.

Copies sent by surface, including junior school kit (US$14.00), senior school kit (US$20.00), or both kits (US$25.00) are available from: Ms. Rae Julian, Commissioner, Human Rights Commission, P.O. Box 6751, Auckland, New Zealand.

The Centre for Human Rights is the lead agency of the United Nations in the field of human rights. It provides secretariat and substantive services to United Nations bodies concerned with human rights questions, administers the programme of advisory services and technical assistance on human rights, and co-ordinates the relevant activities of the World Campaign for Human Rights within the United Nations system. It ensures liaison with Governments, non-governmental organizations, external institutions and the media, and is responsible for the collection, production and dissemination of human rights publications.

Further information: United Nations Centre for Human Rights, Palais des Nations, 8-14 avenue de la Paix, 1211 Geneva 10, Switzerland. Telephone: (4122) 734 60 11/731 02 11; telex: 289696; fax: 7339879; cable: UNATIONS, Geneva; or New York Office, Centre for Human Rights, United Nations Headquarters, New York, N.Y. 10017, USA.

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